

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KYLE W. HUNT,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of
the Social Security Administration,

Defendant.

CASE NO. 12-cv-05041-RBL-JRC

REPORT AND RECOMMENDATION
ON STIPULATED MOTION FOR
REMAND

This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by Mathews, Secretary of H.E.W. v. Weber, 423 U.S. 261 (1976). This matter is before the Court on defendant's Stipulated Motion to remand the matter to the Commissioner for further consideration. (ECF No. 20.)

After reviewing defendant's Stipulated Motion for Remand and the relevant record, the undersigned recommends that the Court grant defendant's stipulated motion, and reverse and remand this matter to the Commissioner pursuant to sentence four of 42 U.S.C. §405(g).

On remand to the Commissioner of Social Security, the Appeals Council should remand this case to an Administrative Law Judge (“ALJ”) in order to: (1) provide Plaintiff the opportunity for a *de novo* hearing; (2) obtain missing evidence that was considered at the initial and reconsideration levels, which includes:

(Evidence Considered at the Initial Level):

PENINSULA COMMUNITY HEALTH SERVICES report received 11/13/2009,
LYNN L STAKER MD report received 11/19/2009,
HARRISON MEDICAL CENTER report received 11/30/2009,
HUNT, KYLE, WILLIAM report received 11/18/2009,
CSO BREMERSON report received 11/05/2009,

(Evidence Considered at the Reconsideration Level):

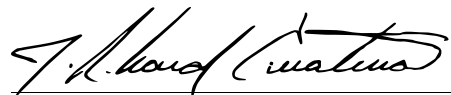
PENINSULA COMMUNITY HEALTH SERVICES report received 03/08/2010,
LYNN L. STAKER MD report received 02/22/2010, and
CSO BREMERTON report received 02/16/2010;

and (3) take any further action necessary to complete the administrative record and issue a new decision.

The parties agree to reversal and remand based on the aforesaid grounds (see Stipulated Motion, ECF No. 20, p. 2). Following proper presentation, the Court will consider Plaintiff’s application for expenses and attorney’s fees pursuant to 28 U.S.C. § 2412(d).

Given the facts and the parties’ stipulation, the Court recommends that the District Judge immediately approve this Report and Recommendation and order that the case be **REVERSED** and **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g).

Dated this 16th day of July, 2012.



J. Richard Creatura
United States Magistrate Judge